

HOUSE BILL 61

E4, E1

0lr0567

(PRE-FILED)

By: **Delegate V. Turner**

Requested: September 10, 2009

Introduced and read first time: January 13, 2010

Assigned to: Judiciary

A BILL ENTITLED

1 AN ACT concerning

2 **Correctional Services – Provision, Possession, and Use of Wireless**
3 **Communication Devices in Correctional Facilities – Penalties**

4 FOR the purpose of prohibiting an inmate from using or possessing a wireless
5 communication device unless authorized to do so by a certain managing official;
6 providing that an inmate is subject to a certain penalty that includes a
7 mandatory minimum sentence; prohibiting a court from imposing a sentence
8 less than the mandatory minimum sentence; prohibiting a court from
9 suspending any part of the mandatory minimum sentence; providing that a
10 person is not eligible for parole during the mandatory minimum sentence;
11 prohibiting a person from providing or attempting to provide an inmate with a
12 wireless communication device unless authorized to do so by a certain managing
13 official; establishing a certain penalty; providing that an employee of a State
14 correctional facility who violates this Act is subject to removal; and generally
15 relating to the provision, possession, and use of wireless communication devices
16 in correctional facilities.

17 BY adding to

18 Article – Correctional Services

19 Section 8–804

20 Annotated Code of Maryland

21 (2008 Replacement Volume and 2009 Supplement)

22 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF
23 MARYLAND, That the Laws of Maryland read as follows:

24 **Article – Correctional Services**

25 **8–804.**

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 **(A) IN THIS SECTION, “WIRELESS COMMUNICATION DEVICE” HAS THE**
2 **MEANING STATED IN § 21-1124 OF THE TRANSPORTATION ARTICLE.**

3 **(B) (1) AN INMATE MAY NOT USE OR POSSESS A WIRELESS**
4 **COMMUNICATION DEVICE UNLESS AUTHORIZED TO DO SO BY THE MANAGING**
5 **OFFICIAL.**

6 **(2) AN INMATE WHO VIOLATES THIS SUBSECTION IS GUILTY OF A**
7 **MISDEMEANOR AND ON CONVICTION IS SUBJECT TO IMPRISONMENT FOR NOT**
8 **LESS THAN 1 YEAR AND A FINE NOT EXCEEDING \$5,000.**

9 **(3) NOTWITHSTANDING § 14-402 OF THE CRIMINAL LAW**
10 **ARTICLE, THE COURT MAY NOT IMPOSE LESS THAN THE MANDATORY MINIMUM**
11 **SENTENCE OF 1 YEAR.**

12 **(4) THE COURT MAY NOT SUSPEND THE MANDATORY MINIMUM**
13 **SENTENCE TO LESS THAN 1 YEAR.**

14 **(5) EXCEPT AS PROVIDED IN § 4-305 OF THIS ARTICLE, THE**
15 **INMATE IS NOT ELIGIBLE FOR PAROLE DURING THE MANDATORY MINIMUM**
16 **SENTENCE.**

17 **(C) (1) A PERSON MAY NOT PROVIDE OR ATTEMPT TO PROVIDE AN**
18 **INMATE WITH A WIRELESS COMMUNICATION DEVICE UNLESS AUTHORIZED TO**
19 **DO SO BY THE MANAGING OFFICIAL.**

20 **(2) A PERSON WHO VIOLATES THIS SUBSECTION IS GUILTY OF A**
21 **MISDEMEANOR AND ON CONVICTION IS SUBJECT TO A FINE NOT EXCEEDING**
22 **\$10,000.**

23 **(3) AN EMPLOYEE OF A STATE CORRECTIONAL FACILITY WHO**
24 **VIOLATES THIS SECTION IS SUBJECT TO REMOVAL.**

25 **SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect**
26 **July 1, 2010.**